

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

SALLY REL,

Plaintiff,

v.

No. 2:20-cv-00251-RB-GBW

BOARD OF REGENTS OF  
NEW MEXICO STATE UNIVERSITY  
and TERESA BURGIN,

Defendants.

**PLAINTIFF'S SUPPLEMENT TO PLAINTIFF'S OPPOSED MOTION TO EXTEND  
THE DEADLINE TO RESPOND TO DEFENDANTS' MOTION AND ALSO DENY  
DEFENDANTS' MOTION OR DEFER CONSIDERING DEFENDANTS' MOTION  
UNTIL AFTER ALLOWING PLAINTIFF TIME TO TAKE DISCOVERY**

Pursuant to the Court's Memorandum Opinion and Order (Doc. 18) Plaintiff files this supplement to Plaintiff's Opposed Motion to Extend the Deadline to Respond to Defendants' Motion and also Deny Defendants' Motion or Defer Considering Defendants' Motion Until After Allowing Plaintiff Time to Take Discovery (Doc. 9).

On behalf of Plaintiff, the attached affidavit of her counsel is submitted as Exhibit H to detail facts under oath necessary to comply with Rule 56(d) in support of Plaintiff's request to deny Defendants' motion (Doc. 7). *See Flowers v. Matheson Tri-Gas, Inc.*, No. CIV 19-0148 RB/SCY (D.N.M. Jun. 30, 2020) (this Court denied a motion for summary judgment without prejudice upon the Rule 56(d) affidavit of counsel).

**PRAYER**

WHEREFORE, PREMISES CONSIDERED, pursuant to Rule 56(d) Plaintiff asks the Court to deny Defendants' motion. Alternatively, Plaintiff asks the Court to defer considering Defendants' motion until after the Court enters a scheduling order and extends the deadline for

Plaintiff to file her response to Defendants' motion 15 days after the close of discovery. Alternatively, Plaintiff asks the Court to allow Plaintiff some time to take discovery and extend the deadline for Plaintiff to file a response to Defendants' motion until 15 days after the completion of depositions. Plaintiff also asks for such other relief to which she may be justly entitled and law and equity.

Respectfully submitted,

BRETT DUKE, P.C.  
6350 Escondido, Suite A-14  
El Paso, Texas 79912  
(915) 875-0003  
(915) 875-0004 (facsimile)  
brettduke@brettduke.com

/s/ Brett Duke

Brett Duke  
New Mexico Bar No. 14633

And

LAW FIRM OF DANIELA LABINOTI, P.C.  
707 Myrtle  
El Paso, Texas 79901  
(915) 581-4600  
(915) 581-4605  
Daniela@LabinotiLaw.com

/s/ Daniela Labinoti

DANIELA LABINOTI  
New Mexico Bar No. 27422

### **CERTIFICATE OF SERVICE**

I certify that I electronically filed the foregoing with the clerk using the CM/ECF system, which will send notification of such filing to all counsel.

/s/ Brett Duke

Brett Duke